

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:05cv234**

**GERALD MADVIG, Derivatively on  
Behalf of Nominal Defendant INGLES  
MARKETS, INC.,**

**Plaintiff,**

**Vs.**

**CHARLES L. GAITHER, JR.; ROBERT  
P. INGLE; ROBERT P. INGLE, II;  
JAMES W. LANNING; JOHN O.  
POLLARD; CHARLES E. RUSSELL;  
LAURA INGLE SHARP; BRENDA S.  
TUDOR; and J. ALTON WINGATE,**

**Defendants,**

**and**

**INGLES MARKETS, INC.,**

**Nominal Defendant.**

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**ORDER**

**THIS MATTER** is before the court on plaintiffs', defendants', and nominal defendant's Stipulation and Proposed Order Extending Time for Plaintiff to Respond to Defendants' Motion to Dismiss, which the court deems to be a Motion to Extend Time to Respond. Having considered defendants' motion and reviewed the pleadings, the court enters the following Order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiffs', defendants', and nominal defendant's Stipulation and Proposed Order Extending Time for Plaintiff to Respond to

Defendants' Motion to Dismiss, which the court deems to be a Motion to Extend Time to Respond, is **ALLOWED** and plaintiff shall have up to and inclusive of November 28, 2005, to so initially respond to such defendants Motion to Dismiss by providing the court with a proposed discovery and briefing schedule on such motion.

The parties are advised that such proposed schedule should be limited to provide for disposition of such dispositive motion not later than six months from its filing. If consent has not been provided under 28, United States Code, Section 636(c), the parties should limit such proposed discovery and briefing period to four months.

**Signed: October 25, 2005**

*Dennis L. Howell*

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Dennis L. Howell  
United States Magistrate Judge

